

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the preliminary hearing record and considering the arguments contained in the claimant's brief, the Appeals Board concludes the Administrative Law Judge's preliminary hearing Order should be affirmed.

For the reasons stated in the preliminary hearing Order, the Appeals Board finds claimant failed to prove he gave respondent notice of accident within ten days and failed to show "just cause" within seventy-five days for failure to give the required ten-day notice. The findings and conclusions contained in the Administrative Law Judge's preliminary hearing Order are accurate and supported by the preliminary hearing record. It is not necessary for the Appeals Board to repeat those findings and conclusions in this Order. Therefore, those findings and conclusions are adopted by the Appeals Board as its own.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that Administrative Law Judge Julie A. N. Sample's November 10, 1999, preliminary hearing Order should be, and it is hereby, affirmed in all respects.

IT IS SO ORDERED.

Dated this ____ day of January 2000.

BOARD MEMBER

c: James B. Biggs, Topeka, KS
Larry G. Karns, Topeka, KS
Julie A. N. Sample, Administrative Law Judge
Philip S. Harness, Director